



DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: October 15, 2009

SPEX 2009-0004; SPEX 2009-0015; CMPT 2009-0003, Scott Jenkins Memorial Park

DECISION DEADLINE: January 5, 2010

ELECTION DISTRICT: Catoctin

PROJECT PLANNER: Jane McCarter

EXECUTIVE SUMMARY

The Board of Supervisors, acting through the Department of Construction and Solid Waste Management, Loudoun County, Virginia has submitted applications for two Special Exceptions and Commission approval to permit construction of a park for Active Recreational Uses and a Commuter Park and Ride Parking Lot in the AR-1 (Agricultural Rural-1) zoning district. The property is also located in the Mountainside Development Overlay District and areas of Moderately Steep Slopes. This application is subject to the Revised 1993 Zoning Ordinance and the proposed use is listed as a Special Exception use under Section 2-100, Table 2-102 and requires a Commission Permit in accordance with Section 6-1101(A). The subject property is comprised of a 23.67 acre parcel and a 11.43 acre parcel and is located on the north side of East Colonial Highway (East Colonial Highway (Business Route 7)) about 1.7 miles west of the intersection with Harry Byrd Highway (Route 7 By-Pass) and Charles Town Pike (Route 9) in the Catoctin Election District. The area is governed by the policies of the Revised General Plan, (Northern Tier of the Rural Policy Area) and the Bicycle and Pedestrian Mobility Master Plan, and the Countywide Transportation Plan which designate this area for rural economy uses and limited residential development.

RECOMMENDATION

The Commission Permit application is consistent with Comprehensive Plan policies, and Staff recommends approval based on the findings included in this report.

The Special Exception applications are consistent with the Comprehensive Plan policies, and Staff recommends approval based on the findings and subject to the Conditions of Approval.

SUGGESTED MOTIONS

- 1a. I move that the Planning Commission approve CMPT 2009-0003, Scott Jenkins Memorial Park, and forward to the Board of Supervisors for ratification, subject to the plat and with the Findings in the October 15, 2009 Staff Report.

AND

- 1b. I move that the Planning Commission forward SPEX 2009-0004, Scott Jenkins Memorial Park (Active Recreation Park in AR-1 district), to the Board of Supervisors with a recommendation of approval subject to the plat, Conditions of Approval dated September 30, 2009, and with the Findings in the October 15, 2009 Staff Report.

AND

- 1c. I move that the Planning Commission forward SPEX 2009-0015, Scott Jenkins Memorial Park (uses for local government purposes not otherwise listed in the AR-1 district - Commuter Park and Ride Parking Lot), to the Board of Supervisors with a recommendation of approval subject to the plat, Conditions of Approval dated September 30, 2009, and with the Findings in the October 15, 2009 Staff Report.

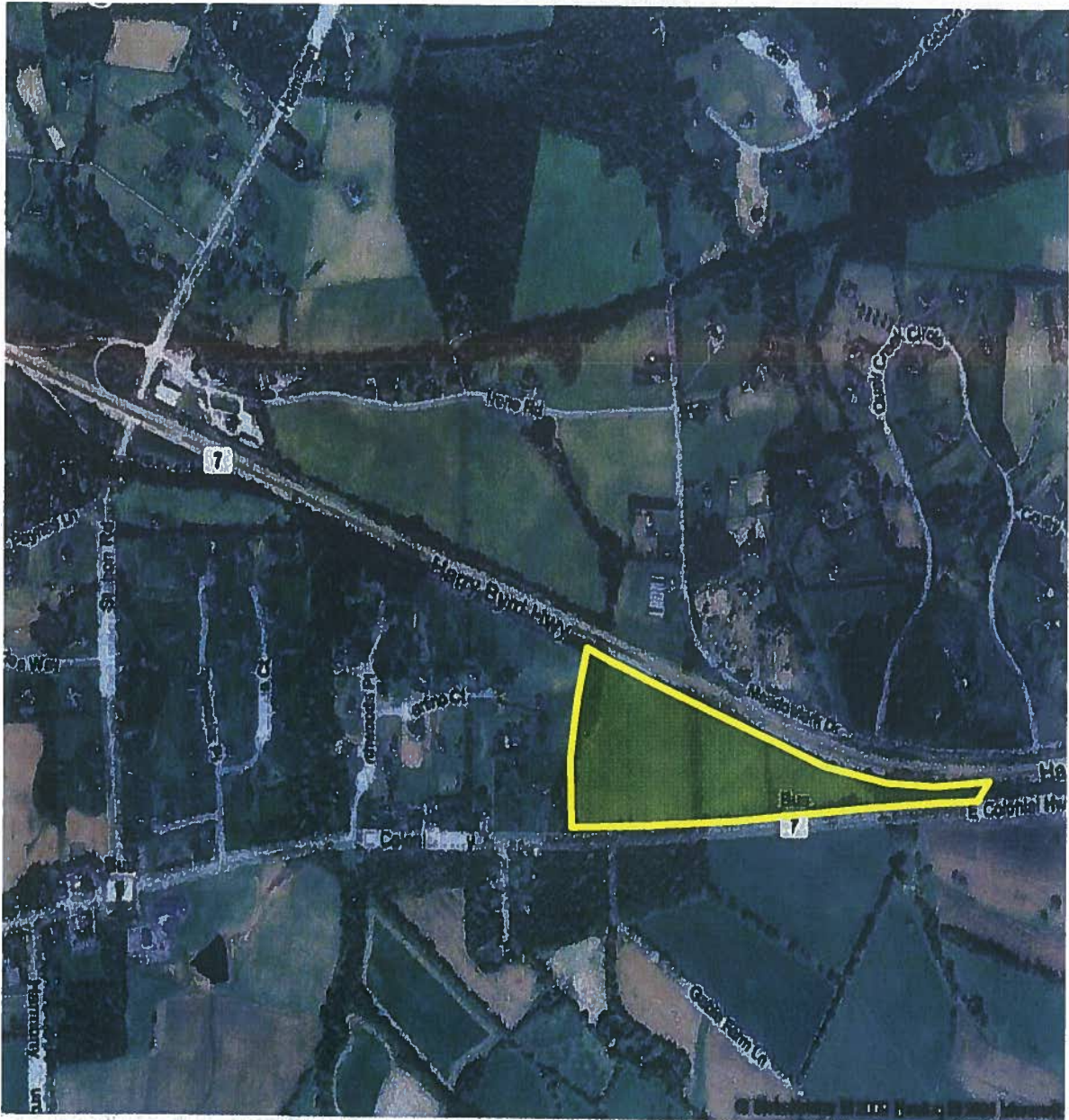
OR,

2. I move that the Planning Commission forward SPEX 2009-0004; SPEX 2009-0015; and CMPT 2009-0003, Scott Jenkins Memorial Park, to a work session for further review.

OR,

3. I move that the Planning Commission forward SPEX 2009-0004; SPEX 2009-0015; and CMPT 2009-0003, Scott Jenkins Memorial Park, to the Board of Supervisors with a recommendation of Denial.

VICINITY MAP



Directions: From Leesburg, proceed west on Harry Byrd Highway (Route 7) approximately 3.2 miles to the intersection with Charles Town Pike (Route 9) on the right. Exit Route 7, turn left to cross the overpass, and then turn right onto Colonial Highway East (East Colonial Highway (Business Route 7)). Proceed to the right (west) approximately 1.5 miles to the entrance to the property on the right. The entrance is identified with a sign and is located at a locked gate crossing the abandoned roadway internal to the site.

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I. APPLICATION INFORMATION

**APPLICANT/
PROPERTY OWNER:** Loudoun County Department of Construction and Waste
Management
Mr. Lewis Rauch
211 Gibson Street, NW, Suite 123
Leesburg, Virginia 20176
571-258-3213

REPRESENTATIVE: Patton Harris Rust + Associates
Mr. Mark W. Thomas
208 Church Street, SE
Leesburg, Virginia 20175
703-777-3616

REQUEST: Commission Permit and Special Exception to allow an Active
Recreation Park and use for local government purposes not
otherwise listed in AR-1 (Commuter Park and Ride Parking
Lot) in the AR-1 zoning district. Applications were accepted
on April 3, 2009.

LOCATION/ADDRESS: North side of east Colonial Highway (East Colonial Highway
(Business Route 7)) and south of Harry Byrd Highway
(Route 7 Bypass).

TAX MAP/PARCEL#: /37/////////58A #346-35-3765-000
/37/////////58B #346-36-7436-000

ZONING: AR-1 (Agricultural Rural – 1)

ACREAGE: Approximately 35.08 acres

SURROUNDING ZONING/LAND USES:

	ZONING	PRESENT LAND USES
NORTH	AR-1	Agricultural/Residential
SOUTH	AR-1	Agricultural/Residential
EAST	AR-1	Agricultural/Residential
WEST	AR-1	Agricultural/Residential

II. SUMMARY OF DISCUSSION

TOPIC/ISSUE AREA	ISSUES EXAMINED AND STATUS
Comprehensive Plan	<ul style="list-style-type: none"> Consistency with the land use and location policies and public facilities policies of the <u>Revised General Plan</u>. Status: No issue; co-location of County park and ride facilities, active recreation facilities, and proximate location to existing Town of Hamilton. Consistency with the protection of environmental features with the guidelines of the <u>Revised General Plan</u> (RGP). Status: No issue; adequate buffering, noise and light impacts addressed; protection of existing steep slopes, floodplain, forest cover and wetlands areas and are consistent with RGP.
Zoning	<ul style="list-style-type: none"> Revise notes on the plat to include plat correction notes. Status: Resolved and provided. Provide all enhanced landscaping and buffering to mitigate light and noise impacts. Status: No issue; adequate buffering, noise and light impacts addressed through conditions.
Lighting	<ul style="list-style-type: none"> Lighting for safety, visibility, active recreation uses without light pollution supported by the <u>Revised General Plan</u> (RGP). Status: No issue; light impacts addressed and through conditions and are consistent with RGP. Existing rural economy use of adjacent horticultural business supported by the Rural Economy Policies of the <u>Revised General Plan</u> (RGP). Status: No issue; light impacts addressed through conditions.
Environmental Review	<ul style="list-style-type: none"> Consistency with the Green Infrastructure elements of mature tree save, Moon Tree protection, hedgerows and protection of environmental features with the guidelines of the <u>Revised General Plan</u> (RGP). Status: No issue; impacts addressed through conditions and are consistent with RGP. Low impact design incorporated with stormwater; restrooms; hydrogeologic assessment of water needs. Status: No issue; impacts addressed through conditions and are consistent with RGP.
Environmental Health	<ul style="list-style-type: none"> Drainfield and well location studies not complete. Status: No issue, possible alternative location needs addressed through conditions for additional special exception.
Fire and Rescue	<ul style="list-style-type: none"> Existing adequate service. Status: No issue.
Transportation	<ul style="list-style-type: none"> Identify existing and proposed traffic impacts. Status: No issue; contribution to road improvements conditions; turn lanes provided, signage added. Reduced speed on East Colonial Highway sought in conjunction with VDOT approval. Status: No issue; discussion continues, however, not required for VDOT approval to the site.
Disclosure of Real Parties in Interest	<ul style="list-style-type: none"> Received on September 25, 2009.

Policy or Ordinance Sections Subject to Application
<u>Revised General Plan</u>
Chapter 3: Public Facilities Map
Chapter 3: Parks, Recreation and Community Services Policies
Chapter 3: General Public Facilities Policies
Chapter 4: Recommended Policies and Guidelines of the Bike/Ped Plan
Chapter 5: Lighting and the Night Sky
Chapter 5: Aural Environment
Chapter 5: The Green Infrastructure Groundwater and Surface Water Policies
Chapter 5: The Green Infrastructure Forests, Trees and Vegetation.
Chapter 7: Land Use Pattern and Design Strategy Policies
Chapter 7: The Rural Economy
<u>Revised Countywide Transportation Plan</u>
Chapter 2: Multi-Modal Networks/ Shared use commuter parking lots
Chapter 2: Multi-Modal Networks/ Pedestrian and Bicycle Facilities Policies.
Chapter 4: Noise Policies
<u>Bicycle and Pedestrian Mobility Master Plan</u>
Chapter 4: Park Access
Chapter 4: Transportation Project Development Policies
<u>Revised 1993 Zoning Ordinance</u>
Section 5-1100, Parking
Section 5-1504, Light and Glare Standards
Section 5-1507, Noise Standards
Section 5-1508, Steep Slopes
Section 6-1310, Special Exception Issues for Consideration

III. FINDINGS

Commission Permit:

1. The proposed active recreation park and commuter park and ride facility is consistent with land use and location policies of the Revised General Plan that promote the co-location of County facilities, specifically community meeting spaces, shared parking, and athletic fields, where feasible to function as multi-purpose community facilities. The Plan calls for these multi-purpose community facilities to be developed with an integrated design which incorporate a variety of uses on a single site.

Special Exceptions:

2. The proposed active recreational park and park and ride commuter lot, as conditioned, are consistent with the Revised General Plan policies that encourage rural economic land uses.
3. The proposed active recreation park and commuter park and ride facility will provide effective buffering to neighboring properties with landscaped screening of

the parking and ballfields areas, restrictions on the use of ballfield lighting and amplified sound on-site to reduce noise, and limited hours of operation.

4. Impacts of the proposed facilities on surrounding properties, both residential and businesses, transportation network, and the environment have been mitigated through conditions of approval.
5. The proposed facilities will provide a much needed recreational asset and the general location and use of the subject property as a public park is consistent with the Revised General Plan.
6. Subject to the conditions of approval, the proposal complies with the applicable requirements of the Revised 1993 Zoning Ordinance.

IV. CONDITIONS

SPEX 2009-0004: Active Recreational Park

9/30/09

1. **Substantial Conformance** The property shall be developed in substantial conformance with the special exception plat prepared by Patton Harris Rust and Associates dated February 2009 and revised through September 28, 2009. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. **Enhanced Buffering** The special exception use shall provide enhanced vegetative buffering along the western and southern boundaries of the parcel which abut residential uses. The purpose of this enhanced buffering is to minimize the lighting and noise impacts to the adjacent properties. The buffering shall be a minimum of one row of 6 foot tall evergreens spaced 15 feet apart in addition to the Type 2 side yard and Type 3 front yard buffers required for the western and southern yards respectively. However, spacing for the enhanced buffer plantings may be altered to accommodate the interspersation among existing trees. Planting choices may include any native species the Loudoun County Urban Forester in coordination with the Loudoun County Horticulturist deems appropriate to satisfy this purpose. The enhanced buffering shall be maintained to assure viability of the plantings, and replace any diseased or dying vegetation.
3. **Tree Conservation Areas** The special exception use shall ensure sustainability of the tree conservation areas, identified as TCA areas on the Special Exception plat and inclusive of, at minimum, the "Moon Tree" (10 inch sweet gum) labeled "Individual Tree to be Preserved in situ" on the plat and the large pin oak at the northwestern corner of the site near the Existing Irrigation Well A. Removal of tree conservation areas will be permitted only if recommended by a certified arborist. Maintenance of the tree conservation areas shall be actively provided by the Applicant in conformance with Virginia Forestry guidelines.

4. **Moon Tree** To ensure sustainability of the unique "Moon Tree" the area shall be specified on the plat as an "Individual Tree to be Preserved in situ". To ensure preservation onsite there shall be:
 - a. No future site alteration or land disturbance within 30 feet of the tree in accordance with Section 7.303 of the Facilities Standards Manual addressing critical root zone preservation with the exception of the retaining wall area. No land disturbance shall occur within 24 feet of the tree in the retaining wall construction area;
 - b. A plaque explaining the tree's significance and history;
 - c. 4 foot welded wire tree protection fence during construction with "Tree Protection" signage in English and Spanish spaced no more than 30 feet apart all the way around the tree protection fence;
5. **Lighting** The ballfield lights shall not be illuminated between August 1 and December 20 to ensure adequate darkness for the adjacent existing horticultural use. Alternatively the Applicant may choose to provide the existing horticultural greenhouses with blackcloth covering, inclusive of the necessary structural and equipment additions to the greenhouses to support and operate the coverings, to mitigate the ballfield lighting impacts to the existing horticultural use. The protection of poinsettia crops engendered by this condition continues with greenhouse property transfer to any subsequent owner of the horticultural use. Upon cessation of poinsettia production, and in conjunction with the recommendation of a Certified Horticulturist or Consultant acceptable to both parties, this condition shall be eliminated to permit full year lighting of the ballfields.
 - a. All ballfield lighting to the property shall be controlled with a locked system requiring manual activation to engage the lighting. The purpose of this condition is to insure against inadvertent illumination during the August 1 to December 20 dark period required for the adjacent horticultural use.
 - b. All lighting placed on the exterior of the concessions/restroom facilities, including pole lights, yard lights, sport lighting, and security lighting, shall provide a maximum average illumination over the exterior of the building of five (5) foot-candles. Lighting shall not exceed 1.25 footcandles above ambient light at the property lot lines as demonstrated on the illumination plan portion of the special exception plat.
 - c. The ballfield lights shall not be illuminated past 10:00 P.M. from December 21 through July 31 to mitigate potential impacts on adjacent residential properties. From August 1 through December 20 there shall be no ballfield lighting permitted. The playing field light fixtures shall be energized only during periods of scheduled and permitted use and shall be extinguished within 15 minutes of the end of an organized sporting event.

- d. The park hours of operation shall be limited to dawn to dusk during August through December 20. The park hours of operation shall be 7:00 A.M. to 10:00 P.M. December 21 through July 31. The Applicant shall provide onsite security, including appropriate security lighting for nighttime operations, and program supervision in a magnitude necessary to ensure the safe and enjoyable usage of the Park as well as to minimize the County's liability.
6. **Hydrogeologic Assessment** Completion of a hydrogeologic assessment shall occur prior to the construction of the irrigation system for the Phase 2 ballfields to ensure adequate water supplies in this limited water supply area. Provision of this assessment shall occur prior to building/zoning permit issuance for any part of Phase 2 inclusive of the field irrigation system, or construction of the second of the five ballfields shown on the plat.
7. **Drainfields** The Applicant must obtain a future special exception should the drainfield sites shown on the plat be inadequate or unacceptable for permitting, or, to accommodate movement of site design elements if the substantial conformance criteria cannot be met.
8. **Water Conserving Measures – Facilities** The Applicant shall install low flow fixtures and waterless urinals in all restrooms. Alternative comparable equivalent performing technologies that support water conservation may be provided.
9. **Water Conserving Measures- Site** The Applicant shall install infiltration measures within the Active Recreation Park portion of the park to provide water infiltration onsite. Construction of grass swales, infiltration ditches, infiltration trenches or other methods to carry water for infiltration shall be provided. Curb and gutter shall not be provided throughout the site.
10. **Roadways** Left and right turn lanes at the entrance to the park on East Colonial Highway shall be constructed prior to the opening of any portion of Phase 1 of the Active Recreation Park or Commuter Park and Ride Parking Lot. The turn lanes shall be constructed in accordance with Loudoun County and VDOT standards.
11. **Signage** Appropriate Signage shall be installed to prohibit all eastbound left turn lanes into the bus entrance and to prohibit non-authorized vehicles from accessing the site. All-way control (stop signs) shall be installed, pending VDOT approval, at the intersection of East Colonial Highway/Dry Mill Road and Charles Town Pike prior to the opening of Phase 1 of the project.
12. **Fair Share Contribution** The Applicant shall provide a pro rata contribution of \$130,000 toward future intersection improvements at the East Colonial Highway/Hamilton Station Road intersection prior to the opening of Phase 2 of the park.

14. **Trail Phasing** The Applicant shall construct Phase 1 of the regional trail along the frontage of the property adjacent to East Colonial Highway for that portion of the property extending from the western boundary east to the eastern end of the shared use commuter parking lot prior to the opening of Phase 1. Phase 2 of the trail construction from the eastern end of the shared use commuter parking lot to the eastern parcel boundary shall occur at a future time when the availability to connect to the Washington and Old Dominion Trail or any other regional trail between the eastern parcel boundary and the Washington and Old Dominion Trail to the east has been secured.
15. **Noise** Noise levels emanating from a public address system shall not exceed 55dB at the nearest property line. Amplified sound shall not be used other than for sporting events within the park ballfields.
16. **Phasing of Site Construction** Phase 1 of the site shall encompass one 90 foot baseball field; 60 parking spaces; the Commuter Park and Ride Parking Lot; access and bus turn around; one restroom facility; and Phase 1 trail portion. All remaining facilities, parking, ballfields, and trails shall be provided with Phase 2 construction.

SPEX 2009-0015: Commuter Park and Ride Parking Lot

9/30/09

1. **Substantial Conformance** The property shall be developed in substantial conformance with the special exception plat prepared by Patton Harris Rust and Associates dated February 2009 and revised through September 28, 2009. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. **Enhanced Buffering** The special exception use shall provide enhanced vegetative buffering along the western and southern boundaries of the parcel which abut residential uses. The purpose of this enhanced buffering is to minimize the lighting and noise impacts to the adjacent properties. The buffering shall be a minimum of one row of 6 foot tall evergreens spaced 15 feet apart in addition to the Type 2 side yard and Type 3 front yard buffers required for the western and southern yards respectively. However, spacing for the enhanced buffer plantings may be altered to accommodate the interspersed among existing trees. Planting choices may include any native species the Loudoun County Urban Forester in coordination with the Loudoun County Horticulturist deems appropriate to satisfy this purpose. The enhanced buffering shall be maintained to assure viability of the plantings, and replace any diseased or dying vegetation.
3. **Tree Conservation Areas** The special exception use shall ensure sustainability of the tree conservation areas, identified as TCA areas on the Special Exception plat and inclusive of, at minimum, the "Moon Tree" (10 inch sweet gum) labeled "Individual Tree to be Preserved in situ" on the plat and the large pin oak at the northwestern corner of the site near the Existing Irrigation Well A. Removal of tree

conservation areas will be permitted only if recommended by a certified arborist. Maintenance of the tree conservation areas shall be actively provided by the Applicant in conformance with Virginia Forestry guidelines.

4. **Moon Tree** To ensure sustainability of the unique "Moon Tree" the area shall be specified on the plat as an "Individual Tree to be Preserved in situ". To ensure preservation onsite there shall be:
 - a. No future site alteration or land disturbance within 30 feet of the tree in accordance with Section 7.303 of the Facilities Standards Manual addressing critical root zone preservation with the exception of the retaining wall area. No land disturbance shall occur within 24 feet of the tree in the retaining wall construction area;
 - b. A plaque explaining the tree's significance and history;
 - c. 4 foot welded wire tree protection fence during construction with "Tree Protection" signage in English and Spanish spaced no more than 30 feet apart all the way around the tree protection fence;
5. **Lighting** Lighting for the Commuter Park and Ride Facility shall be designed and constructed to minimize light trespass and the view of lighting from off-site, specifically:
 - a. Parking lot lighting shall be cut-off or powered down during nighttime hours after commuter usage.
 - b. For all parking lot lighting, there shall be a maximum average illumination over the parking lot of two (2) foot-candles, and the maximum illumination at the property line shall be no more than 0.025 footcandles above the ambient light in existence prior to the development of the park and ride lot.
 - c. All exterior light fixtures shall be "full cut-off outdoor lighting fixtures" as defined by the Illuminating Engineering Society of North America (IESNA). Light will be directed inward and downward toward the interior of the Property, away from the public streets and the nearby residential properties. Lighting shall incorporate non-glare bulbs and fixtures.
 - d. The mounting height of any freestanding exterior lighting fixtures shall not exceed 20 feet. Height shall be measured from the ground surface to the bottom of the lighting fixture.
6. **Drainfields** The Applicant must obtain a future special exception should the drainfield sites shown on the plat be inadequate or unacceptable for permitting, or, to accommodate movement of site design elements if the substantial conformance criteria cannot be met.

7. **Water Conserving Measures – Facilities** The Applicant shall install low flow fixtures and waterless urinals in all restrooms. Alternative comparable equivalent performing technologies that support water conservation may be provided.
8. **Water Conserving Measures- Site** The Applicant shall install infiltration measures within the Active Recreation Park portion of the park to provide water infiltration onsite. Construction of grass swales, infiltration ditches, infiltration trenches or other methods to carry water for infiltration shall be provided. Curb and gutter shall not be provided throughout the site.
9. **Roadways** Left and right turn lanes at the entrance to the park on East Colonial Highway shall be constructed prior to the opening of any portion of Phase 1 of the Active Recreation Park or Commuter Park and Ride Parking Lot. The turn lanes shall be constructed in accordance with Loudoun County and VDOT standards.
10. **Signage** Appropriate Signage shall be installed to prohibit all eastbound left turn lanes into the bus entrance and to prohibit non-authorized vehicles from accessing the site. All-way control (stop signs) shall be installed, pending VDOT approval, at the intersection of East Colonial Highway/Dry Mill Road and Charles Town Pike prior to the opening of Phase 1 of the project.
11. **Fair Share Contribution** The Applicant shall provide a pro rata contribution of \$130,000 toward future intersection improvements at the East Colonial Highway/Hamilton Station Road intersection prior to the opening of Phase 2 of the park.
12. **Trail Phasing** The Applicant shall construct Phase 1 of the regional trail along the frontage of the property adjacent to East Colonial Highway for that portion of the property extending from the western boundary east to the eastern end of the shared use commuter parking lot prior to the opening of Phase 1. Phase 2 of the trail construction from the eastern end of the shared use commuter parking lot to the eastern parcel boundary shall occur at a future time when the availability to connect to the Washington and Old Dominion Trail or any other regional trail between the eastern parcel boundary and the Washington and Old Dominion Trail to the east has been secured.
13. **Phasing of Site Construction** Phase 1 of the site shall encompass one 90 foot baseball field; 60 parking spaces; the Commuter Park and Ride Parking Lot; access and bus turn around; one restroom facility; and Phase 1 trail portion. All remaining facilities, parking, ballfields, and trails shall be provided with Phase 2 construction.

V. PROJECT REVIEW

A. CONTEXT

The approximately 35-acre subject property is under consideration for an active park facility including four lighted baseball/softball fields, a lighted multi-use field; and a park and ride facility for 250 vehicles. The proposed active recreation park is to be operated by the Loudoun County Department of Parks, Recreation and Community Services. The proposed shared-use commuter parking lot, operated by the Loudoun County Office of Transportation, will accommodate up to 250 vehicles and will be used to provide overflow parking for athletic events at the park during the evenings and weekends when not occupied by commuters. The property is bound on the north by Colonial Highway (East Colonial Highway (Business Route 7)) and south of Harry Byrd Highway (Route 7 bypass) approximately .8 miles east of the Town of Hamilton. The site is surrounded on the west side with single family homes on residential properties of 3-5 acres and to the south with rural residential parcels of 5-12 acres that are currently vacant. To the east of the property beyond the right of way for Route 7 bypass is a single family residential parcel of 3.7 acres and to the north is the Route 7 bypass. Across Route 7 bypass to the north are single family residential communities of Quail Creek and rural residential properties on Meadowlark Drive, in addition to the greenhouses of the Ellmore Nursery.

A portion of the property, 25 acres, was offered as a gift option to the Loudoun County Board of Supervisors by the Virts Family in memoriam of their nephew Scott Jenkins with the understanding that Loudoun County provide an active park and purchase the remaining portion of the property. On July 1, 2008 the Board of Supervisors voted to purchase an additional 11 acres from the Virts to bring the total future park size to 35 acres. The Board of Supervisors has committed to funding Phase 1 of the park which includes the shared use commuter parking lot; a 90 foot baseball field; 60 space parking area for the baseball field; and a restroom facility.

The site has been recently farmed, currently is in hay production, and contains a number of hedgerows, some existing larger trees and the unique Moon Tree. The Moon Tree orbited the moon as part of the Apollo 14 Mission in February 1971 contained within the personal kit of Astronaut Stuart Roosa. Approximately 400-500 seeds were carried onboard, and upon return to the earth, were germinated by the U.S. Forest Service. The trees were mostly given away in 1975 and 1976 to many state forestry organizations to be planted as part of the nation's bicentennial celebration. Many were planted throughout the world in notable locations such as the White House, Washington Square in Philadelphia, at Valley Forge, in the International Forest of Friendship, various universities and countries, and presented to the Emperor of Japan, among others. The Moon Tree within this site is currently 10 inches in diameter and is an irreplaceable part of the Loudoun County Green Infrastructure which the County seeks to preserve in situ.

The proposed County park will be served by an on-site well and drainfields. There are no existing structures onsite.



Moon Tree – 10 inch DBH Sweet Gum

B. SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues with this application. Further clarification of the proposed Conditions of Approval continues. Staff will update the Planning Commission at the public hearing.

C. OVERALL ANALYSIS

COMMISSION PERMIT

A Commission Permit is used to determine if the general location, character, and extent of the proposal is in substantial accord with the Comprehensive Plan. The proposed park is not shown as a public facility site on the Public Facilities Map (Revised General Plan, Chapter 3, Public Facilities Map); therefore, a Commission Permit is required.

Staff finds that the application for a Commission Permit (CMPT) to establish a County park on the subject site is consistent with the land use and rural economic policies of the Revised General Plan. In addition the Capital Needs Assessment (CNA) for the western subareas of the County demonstrate a deficiency in regional and district parks; the proposed park on the subject property would assist the County in providing citizens with access to needed open space and recreational amenities. Staff finds the general location and use of the subject property as a public park is consistent with the Revised General Plan and recommends approval of the Commission Permit.

COMPREHENSIVE PLAN

The subject property is governed under the policies of the Revised General Plan. The area is planned for rural economy uses and limited residential development (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 3). The Rural Policies, Public Facilities Policies and Environmental Policies of the Revised General Plan were used to evaluate the application.

LAND USE

The County supports the Rural Policy Area as a permanent rural landscape, a unique composite of natural and man-made environments, farms and forestal areas, natural areas and wildlife habitats, villages, and hamlets. The Plan identifies a variety of traditional and non-traditional rural business, including "private camps and parks" which are appropriate in the Rural Policy Area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6). The Plan also outlines a series of performance criteria that all rural business uses should meet in order to ensure their compatibility with the character of the surrounding rural area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6).

The Plan does not specifically identify "County Park" as a use in the Rural Policy Area but as indicated above, provides guidance on a variety of other appropriate rural business uses, such as private camps and parks, which provide similar facilities for active outdoor recreational uses for residents of the County. Additionally, the Parks, Recreation and Community Services policies of the Plan recommend "wherever

possible, new active recreational facilities should be located near the Towns to reinforce the County's land use and fiscal policies" (Revised General Plan, Chapter 3, Parks, Recreation, and Community Services Policies, Policy 9). The location of the proposed park near the Town of Hamilton on Colonial Highway (East Colonial Highway (Business Route 7)) will provide convenient site access for both Town and County residents to utilize the facility. The proposed use of the subject property for an active park is in keeping with the land use and location policies of the Revised General Plan.

The policies of the Revised General Plan promote the co-location of County facilities, specifically community meeting spaces, shared parking, and athletic fields, where feasible to function as multi-purpose community facilities (Revised General Plan, Chapter 3, General Public Facilities Policies, Policy 8). The Plan calls for these multi-purpose community facilities to be developed with an integrated design which incorporate a variety of uses on a single site. The Loudoun County Office of Transportation will operate the proposed 250 vehicle commuter parking lot with commuter bus services. The proposed shared-use commuter parking lot would be occupied by commuters during the weekdays and patrons of the park attending practices and sporting events during the evenings and weekends. The establishment of the proposed shared-use commuter parking lot on the subject property is supported by Plan policies.

Staff finds that the proposed use of the subject property as a County Park, with athletic fields and a shared-use commuter parking lot, conforms with the general land use and public facilities policies of the Revised General Plan. Staff finds the design and scale of the proposed park is in keeping with the rural character of the surrounding area, provided that adequate landscaping and buffering is provided and noise and light impacts are addressed (see discussion below).

LIGHTING

The Plan promotes the use of lighting for public safety and visibility without the nuisance associated with light pollution (Revised General Plan, Chapter 5, Lighting and Night Sky Policies, Policy 1a, p. 5-42). Of particular concern in this location is the proximity of lighted ballfields to an existing rural economy use of the Ellmore Greenhouses, approximately 500 feet away. This family owned and operated horticultural business has been an integral part of the Loudoun County rural business community for 37 years. The principal crop, however not the sole crop, within the greenhouses to be negatively affected by light pollution are poinsettias. Poinsettias are a short day plant that require 11-12 hours of uninterrupted darkness during the August to December timeframe to flower appropriately for commercial success. The Applicant has provided an updated illumination summary depicting the light intensities around the athletic fields and showing the decrease in light intensity along the properties perimeter which is in compliance with County standards.

Staff has developed conditions of approval designed for effective nighttime use of the facility, minimizing off-site glare and the deterioration of the natural nighttime environment in accordance with the Revised General Plan to provide assurances that

once the proposed lighting is installed and operational it complies with County standards. To mitigate the impacts of light intrusion associated with the substantial ballfield lighting structures and ensure the continued viability of successful poinsettia production the Applicant has agreed to a number of conditions of approval which include eliminating all ballfield lighting during the August through December timeframe; ensuring locked access with manual activation to the lighting equipment; and/or providing a physical barrier at the greenhouses between reflected or refracted light from the ballfield environment. Additionally Staff recommends and the Applicant has agreed to a condition to limit the hours of illumination to mitigate potential impacts on adjacent residential properties.

The park and ride facility lighting is a safety feature necessary to the successful use of the facility by patrons transferring from cars or bikes to buses during the early morning and evening hours between 4:45 AM and 8:30 PM. Lighting for this function is of significantly lower intensity and elevation than ballfield lighting. The park and ride facility is located to the southern side of the property approximately 1300 feet from the adjacent greenhouse use. The Applicant has revised the plat to add a note stating that all the lighting will be downward directed, cut off and fully shielded to minimize glare and light trespass on adjoining properties.

The Applicant has agreed to conditions of approval to address the lighting concerns and Staff has no issue.

ENVIRONMENTAL REVIEW AND EXISTING CONDITIONS

The Green Infrastructure is a collection of natural, cultural, heritage, environmental, protected, passive and active resources that will be integrated in a related system. It includes stream corridors, vegetative landscapes, wildlife and endangered species habitats, and heritage resources. Elements of the Countywide Green Infrastructure found on the subject site include the unique Moon Tree, a number of larger trees, small stream, wetlands and forest cover. Both the stream and wetlands areas have been delineated on the submitted Special Exception Plat and will not be impacted by the proposed facilities.

The site has a number of large established trees within the hedgerow bisecting the area and the periphery of the site. Maximizing the site layout to incorporate the five ballfields and associated parking in addition to the park and ride facility necessitated the removal of the majority of the central hedgerow. The perimeter of the property is surrounded by forest cover and hedgerows which form a natural buffer that will soften views and contribute to the rural character of the proposed park. These are to be preserved on the subject property and have been designated as tree conservation areas (TCAs) on the Plat. Design of the site has preserved the Moon Tree and a large pin oak on the periphery. Preservation of the Moon Tree in situ with relocation of trails and restrooms outside the critical root zone and protective area of the Moon Tree have been addressed through conditions.

Additional environmental concerns involving low flow fixtures and waterless urinals for restrooms; incorporating low impact stormwater management design such as grass swales with no curb and gutter; long-term maintenance of the tree conservation areas (TCAs), and completing a hydrogeologic assessment to ensure adequate water resources are available are issues addressed during the review of this proposal. The Applicant has revised the plat and agreed to conditions of approval to address these concerns. Staff has no issue.

The Phase 1 archaeological survey for this property was reviewed as part of SPEX 2005-0005 Hamilton Youth Sports Park, the application previous to these special exceptions for the same site. No cultural resources were identified during the archaeological survey and there are no outstanding cultural resource issues associated with the current application.

NOISE

The County seeks to protect existing and future residents from increased levels of environmental noise (Revised General Plan, Chapter 5, Aural Environment, text). Staff notes that the nearest residence is located approximately 350 feet to the west of the proposed ballfields and that potential noise impact may exist, particularly if amplified sound is employed to announce games. While the 1993 Loudoun County Zoning Ordinance limits noise exposure to 55 dB at the property line for these parcels. Staff requests corrective measures by the Applicant be undertaken should the noise levels in the future exceed these standards.

ZONING

The property is currently zoned AR-1 (Agricultural Residential-1) under the Revised 1993 Loudoun County Zoning Ordinance. Staff sought corrections to the plat and developed conditions of approval to address development concerns. With regard to landscaping and buffering to protect adjacent parcels and passersby from lighting and glare impacts the use of existing trees is encouraged in lieu of the buffer and screening requirements of the Zoning Ordinance. Supplemental plantings have been added to enhance the existing hedgerows and eliminate gaps. These mature trees provide a superior buffer for screening the proposed facilities and eliminating glare on adjoining roadways and properties from the proposed site lighting. The Applicant has provided a revised plat that includes the boundary line adjustment removing interior buffering, landscaping and setback issues (BLAD 2009-0008 approved 8/5/09); provides for an enhanced Type 2 side buffer on the west side of the parcel; enhanced Type 2 front yard buffer along East Colonial Highway except for that portion between the shared use commuter parking lot and East Colonial Highway (East Colonial Highway (Business Route 7)) which shall be an enhanced Type 3 front buffer yard to address these concerns. The Applicant has agreed to conditions of approval and Staff has no issue.

ENVIRONMENTAL HEALTH

The Applicant has not begun the complex process necessary to fulfill the sewage disposal and well water needs for the uses. Those details normally associated with the site plan stage are crucial for this application since the location of the ball fields, parking

areas and concession stands all hinge on the approved location of the sewage and water facilities. The Applicant states the drainfield design will be submitted to the Health Department for review and approval prior to site plan approval. As special exceptions are typically approved to be in substantial conformance with the special exception plat, the plat notes have been revised to state changes in the plan layout may occur due to engineering design. While this does not negate the need for substantial conformance, the Applicant has chosen to assume the risk for a future special exception should the drainfield sites shown on the plat be inadequate or unacceptable for permitting. The Applicant has agreed to conditions of approval to address these concerns and Staff has no issue.

FIRE AND RESCUE

The site would be served by the Hamilton Volunteer Fire and Rescue Station 5/17. Response time to the site is calculated at 2 minutes, 56 seconds. Fire and Rescue has no concern with the proposal.

TRANSPORTATION

The site is governed under the policies of the Revised Countywide Transportation Plan (Revised CTP). Access to the proposed uses would be via two new entrances from East Colonial Highway (Business Route 7), one for passenger vehicles (for both the park facilities and commuter parking lot) and the other for the exclusive use of commuter buses.

Right and left turn lanes into the site from East Colonial Highway (Business Route 7) are necessary and have been included as a condition of approval; the condition language specifies that the design of the turn lanes shall be as determined by VDOT. The length of the turn lane and taper shown meets the minimum AASHTO requirements for the current 55 MPH design.

The traffic study analyzed the commuter parking lot use in light of peak weekday traffic impacts, while the park use was analyzed in light of both its weekly and Saturday peak hour impacts. The study noted that an estimated 199 weekday peak AM vehicle trips and 295 weekday peak PM vehicle trips would be generated by the proposed combined facilities in addition to the 168 Saturday peak hour trips generated by the park use and that these volumes exacerbate unacceptable levels of service (LOS) ranges at a number of intersections including Route 7 north ramps and Route 9; Route 7 south ramps and Route 9; East Colonial Highway and Dry Mill Road at Route 9.

Staff recommends a condition that the Applicant contribute \$130,000 toward future transportation improvements in the area prior to the opening of Phase 2 of the park; this figure is representative of the site-generated impacts on left turn movements from southbound Hamilton Station Road (Route 704) to eastbound East Colonial Highway (Business Route 7). The Applicant has agreed to this condition.

The submitted traffic study recommends that the speed limit be lowered to 45 MPH for the entire segment of East Colonial Highway (Business Route 7) between Hamilton

Station Road (Route 704) and Charles Town Pike (Route 9) due to existing roadway conditions. Staff notes that the Board of Supervisors would need to request such a speed limit reduction from VDOT, and that a speed study would need to be completed. The reduction in speed is suggested for improved site access, but is not required for VDOT approval of the proposed site.

Staff recommends signage to address turn movements into the bus entrance, prohibit non-authorized vehicle access, and four way stop signs at the entrance to the Park as conditions. Further Staff recommends the trail along East Colonial Highway be designed to AASHTO standards with a 10 foot width. The Applicant has provided this trail width in addition to the smaller internal park trails. The Applicant has agreed to conditions of approval to address all transportation concerns and Staff has no issue.

COUNTY ATTORNEY

Further clarification of the proposed Conditions of Approval continues between Staff and the Applicants. The Office of the County Attorney will review the conditions once these clarifications have been completed. Staff will update the Planning Commission at the Public Hearing.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Revised 1993 Loudoun County Zoning Ordinance states "In considering a special exception application the following factors shall be given reasonable consideration."

(A) Whether the proposed special exception is consistent with the Comprehensive Plan.

The proposed Special Exception complies with the Land Use, Location, and Public Facilities policies of the Revised General Plan in providing a co-location of County facilities uses that are compatible with the dominant rural agricultural land use pattern provided that adequate landscaping, light, and noise buffering are provided.

(B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.

The special exception will provide for adequate access for fire suppression equipment, and all structures will meet state and local fire and safety requirements.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use negatively impacts the uses in the immediate area.

The level of noise emanating from this site will be comparable to that existing at this time with the adjacent Route 7 traffic during rush hours. The increased level of sound during ballgames may be mitigated with a limit to amplified sound.

Conditions are in place to limit the time this level of noise would be present and still provide for active recreation opportunities.

- (D) Whether glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.**

The use must comply with the required lighting and glare standards of the 1993 Revised Zoning Ordinance and the Applicant has agreed to conditions of approval limiting ballfield lighting.

- (E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.**

The proposed use is surrounded by the significant roadways of Route 7, east Colonial Highway, and largely vacant residential properties. The proposed can be compatible with the adjacent greenhouse business subject to the conditions provided.

- (F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.**

The site contains significant established mature trees and hedgerows to be retained. Additional landscaping and buffering have been conditioned.

- (G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.**

The special exception will result in the preservation of the unique and significant Moon Tree, as well as existing mature trees of 40-54" DBH.

- (H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.**

The proposed special exception use allows for continued preservation of the existing peripheral vegetation as well as tree save areas central to the site. Water quantity may be an issue that will be addressed at site plan with the hydrogeologic study. The property will be served by permitted private well and onsite sewage disposal.

- (I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.**

The provision of a park and ride lot at this location will provide for public transportation options that remove cars from the roads. Additional ballfield locations will serve the need for active recreation areas.

- (J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.**

The proposed commuter park and ride use will remove cars from the road and encourage public transit opportunities. The active recreation uses will generate additional traffic during off peak evening and weekend hours.

- (K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.**

There are no existing structures to be converted.

- (L) Whether the proposed special exception will be served adequately by essential public facilities and services.**

The site is currently served by private well and onsite sewage disposal is to be permitted in the future prior to the park opening.

- (M) The effect of the proposed special exception on groundwater supply.**

Irrigation of the ballfields may have an impact upon the groundwater supply. Hydrogeologic testing at the site plan phase will address this issue prior to irrigation well installation.

- (N) Whether the proposed use will affect the structural capacity of the soils.**

The proposed construction are ballfields and ground parking areas. No issues are anticipated.

- (O) Whether the proposed use will negatively impact orderly and safe road development and transportation.**

The proposal is consistent with the Countywide Transportation Plan. Additional improvements are included in the plan and provided for in conditioned contributions

- (P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.**

Additional employment is anticipated during the construction phase of this project.

- (Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.**

Agriculture, industry and business are not a consideration with this proposal. The purpose is to meet the recreational and transportation goals of the County with this proposal.

(R) Whether adequate on and off-site infrastructure is available.

Onsite infrastructure will be provided for this use.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

No offensive or unusual odors will be generated by this use to negatively impact adjacent users.

(T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Construction impacts will be dispersed as the site has a multiple accesses with a minimal amount of residential impacts. The nearest school is over a mile away and also has a number of accesses

VI. ATTACHMENTS (Unless noted otherwise, attachments may be obtained from the Department of Planning)		PAGE NUMBER
1. Review Agency Comments		
a. Community Planning	Referrals:09/14/09, 05/06/09	A-1
b. Zoning Administration	Referrals:06/02/09, 06/2/09	A-14
c. Environmental Engineering	Referrals:09/04/09, 04/27/09	A-18
d. Office of Transportation Services	Referrals:09/25/09, 06/24/09	A-24
e. Virginia Department of Transportation	Referral: 05/20/09	A-57
f. Environmental Health	Referral: 04/06/09	A-61
g. Fire and Rescue	Referral: 05/08/09	A-62
h. Parks and Recreation	Referral: 05/11/09	A-63
2. Disclosures of Real Parties in Interest		A-65
3. Applicant's Statement of Justification		A-74
4. Applicant's Responses to Referral Agency Comments		A-79
5. Conditions of Approval dated September 30, 2009		A-98
6. Plat		Following Attachments